

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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February 15, 2012

MEMO TO COUNSEL RE: Henry v. Purnell
Civil No. JFM-04-979

Dear Counsel:

I have reviewed the memoranda submitted in connection with plaintiff's motion to modify the scheduling order.

The motion is granted in part and denied in part.

The motion is granted to the extent that it seeks an extension of the time for the parties to identify additional experts. Please confer with one another about what the schedule should be. If you can agree, please submit a proposed joint schedule on or before February 28, 2012, and I will approve anything that is reasonable. If you disagree, please submit by the same date your proposed competing schedules.

Plaintiff's motion is denied to the extent that it seeks a deadline for filing a summary judgment motion. I recognize plaintiff's point that the Fourth Circuit's statement in its opinion "that the reasonableness of the officer's actions on the merits is a matter for the jury" must be understood in the context of the appeal. Nevertheless, the statement is unambiguous, and in my view the Fourth Circuit has indicated that the reasonableness of Officer Purnell's actions is something that should be put before the jury.

Despite the informal nature of this ruling, it shall constitute an Order of Court, and the Clerk is directed to docket it accordingly.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge